

1 **WAGANAKISING ODAWAK STATUTE 2012-__**
2 **INDIRECT DIRECTOR STATUTE**
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5 **SECTION I. PURPOSE**
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7 The purpose of this Statute is to define indirect services, indirect service directors,
8 services provided by indirect service directors, the terms of their employment, and the process by
9 which indirect services directors are appointed.
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12 **SECTION II. DEFINITIONS**
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- 14 **A. “At-Will”** means that a director’s employment may be terminated at any time during his
15 or her tenure for any reason or for no reason whatsoever.
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- 17 **B. “Director”** means an indirect services director employed by the Tribal Government of
18 the Little Traverse Bay Bands of Odawa Indians as used in this Statute.
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- 20 **C. “Employment Contract”** means a legally binding agreement setting forth the terms of
21 employment, and voluntarily entered into by a director and Tribal Council that gives each
22 party the right to demand performance of what is promised to them by the other.
23
- 24 **D. “Governmental Administration”** means the offices that provide infrastructure for the
25 Little Traverse Bay Bands of Odawa Indians.
26
- 27 **E. “Tribal Council”** means the Little Traverse Bay Bands of Odawa Indians Tribal
28 Council.
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- 30 **F. “Tribe” or “LTBB”** means the Waganakising Odawak, also known as the Little
31 Traverse Bay Bands of Odawa Indians.
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34 **SECTION III. SCOPE**

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2 This Statute shall apply to all indirect services directors that are considered to have
3 indirect positions as described in Section IV below.
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6 **SECTION IV. INDIRECT SERVICES AND INDIRECT DIRECTORS**
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8 **A.** The indirect services provide the infrastructure for the Tribe. These services are not
9 directly provided to Tribal Citizens. The classification of these services as indirect
10 requires that they are accessible for the common and joint benefit of the Legislative,
11 Executive, and Judicial branches, Prosecutor's Office, Election Board and the related
12 departments, programs and offices that are included therein.
13

14 **B.** An indirect services director is a person who is listed below and whose salary is classified
15 as an indirect cost and is housed within the Executive branch that carries out the
16 functions of A, above, and has certain powers and duties relating to management and
17 administration, and refers to the following indirect director positions:
18

- 19 1. Chief Financial Officer,
- 20
- 21 2. Human Resources Director,
- 22
- 23 3. Management Information Systems (MIS) Director,
- 24
- 25 4. Archives Director,
- 26
- 27 5. Planning Director,
- 28
- 29 6. Geographic Information System (GIS) Director,
- 30
- 31 7. Safety Director,
- 32
- 33 8. Tribal Administrator, and
- 34

- 1 **9.** Any future indirect services director positions created consistent with the laws of
2 the Little Traverse Bay Bands of Odawa Indians.
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5 **SECTION V. PROCEDURE FOR APPOINTMENT**
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7 Indirect service directors provide service to the government administration's
8 infrastructure. The Constitution allows Tribal Council to create these departments and gives the
9 Executive oversight; both the Legislative and Executive branches shall be involved in the
10 appointment process.
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- 12 **A.** Newly hired indirect services directors shall be nominated by the Tribal Chair and those
13 nominations shall be submitted to Tribal Council for confirmation. In order for a
14 nomination to be confirmed, a majority of Tribal Council members must vote in favor of
15 the nomination and shall approve the employment contract prior to hire.
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17 **B.** The nomination and confirmation process shall not apply to current indirect services
18 directors.
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21 **SECTION VI. QUALIFICATIONS OF DIRECTORS**
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23 Any and all persons that are nominated by the Tribal Chair to fill a director position must
24 meet the minimum qualifications of that respective job description.
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27 **SECTION VII. TENURE**
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- 29 **A.** Directors who enter into an employment contract shall be considered at-will employees.
30 All employment contracts shall delineate that the director is an at-will employee that can
31 be terminated at any time for any reason at the sole discretion of the Tribal Chair.
32
33 **B.** The tenure for directors that have been nominated and confirmed for such positions shall
34 be the same as the terms specified in that director's negotiated and approved employment

1 contract. Contract negotiations shall consider the inclusion of a severance clause into the
2 contract. Contracts may contain a severance clause and may contain other terms duly
3 agreed upon by all parties, subject to Tribal Council approval.
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- 5 **C.** The Tribal Chair shall have authority under this Statute to negotiate employment
6 contracts with the current indirect services directors. All contracts negotiated shall be
7 subject to Tribal Council approval.
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10 **SECTION VIII. SEVERANCE**

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12 Indirect services directors may be eligible for severance pay so long as he or she has
13 completed a minimum of six (6) months of continuous employment in his or her position as
14 director and negotiated the terms of a severance package in his or her employment contract.
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- 16 **A.** There must be six (6) months of continuous employment between the date of hire and the
17 date of separation.
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19 **B.** There must not be any break in employment of more than three (3) calendar days,
20 excluding paid-time off.
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23 **SECTION IX. LIMITED WAIVER OF SOVEREIGN IMMUNITY**

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25 Each employment contract may contain a limited waiver of sovereign immunity as
26 negotiated by the parties. Such contracts shall require the approval of and an express waiver of
27 sovereign immunity from Tribal Council.
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30 **SECTION X. SEVERABILITY**

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32 If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for
33 any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion

1 shall be deemed a separate, distinct and independent provision and such holding shall not affect
2 the validity of the remaining portions thereof.

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5 **SECTION XI. EFFECTIVE DATE**
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7 Effective upon signature of the Executive or thirty (30) days from Tribal Council
8 approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal
9 Council override of the veto.

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11 **CERTIFICATION**